

Begin forwarded message:

Subject: RE: Arkwood Freedom of Information Act Requests

Date: August 17, 2010 at 6:58:21 AM PDT

From: "Szenher, Doug" <DOUG@adeq.state.ar.us>

To: grish <ccgrish@gmail.com>

Cc: "Marks, Teresa" <MARKS@adeq.state.ar.us>, "Drown, Steve"

<DROWN@adeq.state.ar.us>, "Rhodes, Clyde" <RHODESC@adeq.state.ar.us>, "Clem,

Sarah" <CLEM@adeq.state.ar.us>, "Guthrie, Dawn" <GUTHRIE@adeq.state.ar.us>,

"Hemann, Chris" <HEMANN@adeq.state.ar.us>, "Robinson, Kelly"

<ROBINSON@adeq.state.ar.us>, "Goff, Patricia (Commission)"

<GOFFPATTI@adeq.state.ar.us>

Mr. Grisham:

Actually, my direct supervisor, Mr. Chris Hemann, is the designated "custodian of records" for the Arkansas Department of Environmental Quality, and Ms. Kelly Robinson in the Public Outreach and Assistance Division is the initial point of contact for formal Freedom of Information Act requests. Both those ADEQ employees are being made aware of your request. Ms. Robinson will coordinate with appropriate ADEQ staff to provide a response to your inquiry.

As for your request to be notified of all future meetings of the governing body for the ADEQ, that request should be directed to the Arkansas Pollution Control and Ecology Commission, as it is the state agency with oversight authority involving the ADEQ. I am also forwarding your e-mail to Ms. Patti Goff, the Commission Secretary, so she can add you to the notification list for Commission meetings. The next regularly scheduled meeting of the Commission is August 27, 2010, at the ADEQ headquarters building, 5301 Northshore Drive, North Little Rock, AR 72118. Normally, the Commission's Regulations Committee meets at 8:30 a.m., and the full Commission meeting will begin immediately after the Regulations Committee meeting adjourns, or at 9:00 a.m., whichever comes later. The Commission's web page is part of the ADEQ Internet web site, and can be reached by selecting the "Commission Web Site" link on the ADEQ home page, www.adeq.state.ar.us.

I would suggest several documents on our web site you may wish to view in order to learn more about the ADEQ, the Commission, and their operating procedures. Commission Regulation 8, found on the web site regulations page, establishes the administrative procedures for both agencies. In addition, the "Brochures On-Line" link on the ADEQ home page will take you to a page with a number of publications which may be of use to you.

--Doug Szenher

-----Original Message-----

From: grish [<mailto:ccgrish@gmail.com>]

Sent: Tuesday, August 17, 2010 2:44 AM

To: Szenher, Doug

Cc: Marks, Teresa; Drown, Steve; Rhodes, Clyde; Clem, Sarah; Guthrie, Dawn

Subject: Arkwood Freedom of Information Act Requests

Dear Mr. Szenher,

I saw you were copied on yesterday's email from Ms. Kilburn to me. Therefore, I would like to begin the process of answering my questions by obtaining access to public records maintained by Arkansas Department of Environmental Quality (ADEQ) under The Arkansas Freedom of Information Act of 1967 (FOIA) as found on the website of the Arkansas Attorney General. I



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assume that means working directly with you as custodian of those public records; please correct me if that is wrong.

I would like to begin with the following, quoted from the FOIA:

"25-19-108. Information for public guidance.

(a) Each state agency, board, and commission shall prepare and make available:

(1) A description of its organization, including central and field offices, the general course and method of its operations, and the established locations, including, but not limited to, telephone numbers and street, mailing, electronic mail, and Internet addresses and the methods by which the public may obtain access to public records;

(2) A list and general description of its records, including computer databases;

(3)(A) Its regulations, rules of procedure, any formally proposed changes, and all other written statements of policy or interpretations formulated, adopted, or used by the agency, board, or commission in the discharge of its functions.

(B)(i) Rules, regulations, and opinions used in this section shall refer only to substantive and material items that directly affect procedure and decision-making."

If you could provide me with the elements described above, it will help me both in understanding the workings of the department itself and in fashioning my specific requests for records. In a nutshell: I am going for all public records pertaining in any way to the Arkwood superfund site and related activity at New Cricket Spring in Boone County, Arkansas as such public records may exist at Arkansas Department of Environmental Quality (ADEQ), including new records as they are created and added to the collection.

In order to know what records to request and when I will have obtained all records, I first need to know what records exist. That is why part (2) above is particularly important to me.

Also contained within 25-19-108 "Information for public guidance" of FOIA:

"(b)(1) All materials made available by a state agency, board, or commission pursuant to subsection (a) of this section and created after July 1, 2003, shall be made publicly accessible, without charge, in electronic form via the Internet."

If any of the records I seek which were created after July 1, 2003 are not already made available by ADEQ via the Internet in compliance with this section, please indicate to me what those specific records are so I may request them in an alternate format. Otherwise, please provide me with links to those records available on the Internet in compliance with this section.

I refer now to a different section of FOIA, quoted below:

"25-19-106. Open public meetings.

(a) Except as otherwise specifically provided by law, all meetings, formal or informal, special or regular, of the governing bodies of all municipalities, counties, townships, and school districts and all boards, bureaus, commissions, or organizations of the State of Arkansas, except grand juries, supported wholly or in part by public funds or expending public funds, shall be public meetings.

(b)(1) The time and place of each regular meeting shall be furnished to anyone who requests the information."

Pursuant to this section I request to be notified of the time and place of all future ADEQ regular meetings. Please let me know if I must follow any particular procedure in order to attend these "open public meetings."

Thank you for your assistance.

Charles Curtis Grisham, Junior

On Fri, Aug 13, 2010 at 12:59 PM, Grish <ccgrish@gmail.com> wrote:

I spoke with Ms Clem and she's going to look into it. Let's wait until she's had a chance before doing anything else. Thank you again.

On Aug 13, 2010, at 12:15, "Szenher, Doug" <DOUG@adeq.state.ar.us> wrote:

Thanks for the clarification.

-----Original Message-----

From: Grish [mailto:ccgrish@gmail.com]

Sent: Friday, August 13, 2010 2:14 PM

To: Szenher, Doug

Subject: Re: Arkwood analyses

There are only meant to be three attachments, all PDF files. Thank you for your diligence.

Curt

On Aug 13, 2010, at 11:46, "Szenher, Doug" <DOUG@adeq.state.ar.us> wrote:

I just noticed that I can only open the PDF attachments. The other three attachments beginning with "ATT..." are blank. Since the indications are that they are from a computer's C-Drive, presumably yours, I'm hoping they are just duplicate designations of the three PDF documents and not separate items. If there are actually six separate attachments to your original message, I need to ask you to try and re-send the "ATT" documents, possibly in a different format. Thanks.

-----Original Message-----

From: grish [mailto:ccgrish@gmail.com]

Sent: Friday, August 13, 2010 1:36 PM

To: Szenher, Doug

Subject: Re: Arkwood analyses

Thanks!

Curt Grisham

415-264-7400

On Fri, Aug 13, 2010 at 11:33 AM, Szenher, Doug
<DOUG@adeq.state.ar.us> wrote:

I received your e-mail. I will make sure the appropriate
staff at our agency see your comments and questions.

--Doug Szenher

-----Original Message-----

From: Grish [mailto:ccgrish@gmail.com]

Sent: Friday, August 13, 2010 1:29 PM

To: Szenher, Doug

Subject: Fwd: Arkwood analyses

Dear Mr. Szenher,

If I can get answers for any of the below
questions from public information,
please let me know the process to do
so.

Thank you,

Curt Grisham

Begin forwarded message:

From: grish

<ccgrish@gmail.com>

Date: August 5, 2010 22:56:45
PDT

To: rhodesc@adeq.state.ar.us,
almand@adeq.state.ar.us,
wilson@adeq.state.ar.us,
healeyr@adeq.state.ar.us,
pearson@adeq.state.ar.us,
hemann@adeq.state.ar.us,
shafii@adeq.state.ar.us,
fleming@adeq.state.ar.us,
bassett@adeq.state.ar.us,
benefield@adeq.state.ar.us,
carpenter@adeq.state.ar.us, pond-mayo@adeq.state.ar.us

Subject: Fwd: FW: Arkwood
analyses

FYI

Thank you,

Curt Grisham

----- Forwarded message -----

From: **grish**

<ccgrish@gmail.com>

Date: Thu, Aug 5, 2010 at 3:05 PM

Subject: Fwd: FW: Arkwood

analyses

To: clem@adeq.state.ar.us

Cc: marks@adeq.state.ar.us,

drown@adeq.state.ar.us,

guthrie@adeq.state.ar.us,

"williams.donald" <

williams.donald@epamail.epa.gov

>, "Cusher, Annette"

<Cusher@adeq.state.ar.us>, "Rich,

Jay" <RICH@adeq.state.ar.us>,

"Moix, Mark" <

MOIX@adeq.state.ar.us>, "Jones,

Rita" <

JONESR@adeq.state.ar.us>,

"Kilburn, Dianna"

<KILBURN@adeq.state.ar.us>,

"Egan, Marilyn"

<EGAN@adeq.state.ar.us>,

"Hynum, Tammie" <

HYNUM@adeq.state.ar.us>,

"Sanchez.Carlos@epamail.epa.gov

"

<Sanchez.Carlos@epamail.epa.gov

>,

"Ghose.Shawn@epamail.epa.gov"

<Ghose.Shawn@epamail.epa.gov>

Dear Ms. Clem,

I forward to you the below email message and attached file as a starting point for this follow-up to my email of July 28, 2010, in which I asked for your focus on the issues I have raised concerning the conduct of groundwater testing and treatment at New Cricket Spring in Boone County, Arkansas in

connection with the Arkwood Superfund site.

Please bear with me, as I will attempt to articulate all my issues here in order to minimize future back-and-forth communications for all involved.

In her July 20, 2010 message to Ms. Marilyn Egan and Ms. Dianna Kilburn of the Arkansas Department of Environmental Quality (ADEQ), Jean A. Mescher of McKesson Corporation states:

"We are using a different analytical laboratory since Mmet has not successfully repaired their equipment."

A search on the website for the State of Missouri Secretary of State shows that MMET, Inc. (also known as Middleton Microbiological & Environmental Testing Laboratory) is a "close corporation" created on May 15, 1997 and located at 3889 N. 20th Street,